

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GEORGE HARRIS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:10cv799-HEH
)	
KERKIM, INC., et al.,)	
)	
Defendants.)	

CONSENT ORDER

This day came the defendant, KERKIM HOLDING COMPANY, LLC d/b/a SDI Disposal, for itself and as successor by merger to the defendants, KERKIM, INC. d/b/a SDI, KERKIM, LLC and SUPERIOR DISPOSAL, INC. (“Defendants”), by counsel, and the plaintiffs, GEORGE HARRIS, EDDIE SILLS, CURTIS ARMSTEAD and ALBERT FLEMING (“Plaintiffs”), by counsel, and represented to the Court that all matters in controversy between them have been amicably resolved and compromised, and jointly move the Court for entry of this Consent Order, thereby dismissing this action with prejudice.

Plaintiffs filed this action in the Richmond Division of the United States District Court, Eastern District of Virginia alleging claims of unpaid overtime compensation pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*

Defendants deny any wrongdoing with respect to any of the Plaintiffs, and with regard to the Plaintiffs’ Civil Action. However, the parties have resolved and settled the Plaintiffs’ claims made in this action under a Settlement Agreement, the key provisions of which are presented to the Court for approval. Plaintiffs and Defendants agree to the entry of this Consent Order and seek the Court’s approval of a Settlement Agreement whereby:

(1) Defendant has agreed to pay the total amount of \$105,766.00 to resolve all four Plaintiffs' claims of unpaid overtime working in all capacities employed by Defendant. This amount is payable as a total payment of \$68,811.60 divided among the four Plaintiffs, and \$36,954.40 payable to the law firm of Butler Williams & Skilling, P.C. for statutory attorneys' fees and reimbursement of litigation costs.

(2) Half of the total payment is to be made within ten (10) days of entry of this Consent Order, with the other half to be paid in monthly installments to each plaintiff over the six months following entry of this Consent Order. All payments are to be made to the plaintiffs through their attorneys.

(3) Plaintiffs have agreed to release all named Defendants from all claims, civil actions, or causes of action of any kind (including, without limitation, claims for attorneys' fees and costs) which they have ever had or may now have against any of the named Defendants or their related entities, save and except a specified claim of one of the plaintiffs for wrongful termination.

(4) The Plaintiffs agree that they shall be solely responsible for any federal, state and/or local taxes owed by them, if any, arising from payments provided pursuant to the Agreement and this Consent Order.

(5) The parties have agreed to keep the terms of this settlement and any aspect of the settlement negotiations in strict confidence, unless and only to the extent they have been authorized in writing by the other party to make such disclosure, except to the Defendant's Board of Directors, senior executives or others to whom such communication is necessary to impart the terms of the Settlement Agreement.

(6) The parties have agreed that settlement of the alleged claims in no way constitutes an admission or liability or wrongdoing on the part of the Defendants.

The Clerk finds the above terms to be fair and reasonable. Accordingly, it is ORDERED that this action be DISMISSED WITH PREJUDICE as having been fully settled, compromised and adjusted.

The Clerk is directed to remove this action from the docket, and to forward certified copies of this Consent Order to all counsel of record.

ENTER this ____ day of _____, 2011.

Henry E. Hudson, United States District Judge

WE ASK FOR THIS:

By: _____/s/
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